

**E-FILED on January 30, 2007**

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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 LLC,  
 Debtor.

Chapter 11

**Jointly Administered Under  
 Case No. BK-S-06-10725 LBR**

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

In re:  
 USA SECURITIES, LLC,  
 Debtor.

**AMENDED STATUS AND AGENDA  
 FOR JANUARY 31, 2007 HEARINGS**

Affects:

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Date: January 31, 2007  
 Time: 9:30 a.m.  
 Place: Courtroom #1

1. **Motion To Enforce Order Granting Debtors' Motion To Distribute Funds**  
 (Docket No. 1388) filed by USA Commercial Real Estate Group ("USACREG"). This Motion seeks an order compelling the Debtors to distribute funds to USACREG pursuant to the order entered August 24, 2006 granting Debtors' Motion to Distribute Funds. This Motion was originally heard on November 13, 2006, but was continued to this date to allow for briefing.

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Debtors	October 20, 2006	1619
Official Committee of Unsecured Creditors of USA Commercial Mortgage (Joinder in Opposition)	October 25, 2006	1667
Official Committee of Unsecured Creditors of USA Commercial Mortgage (Supplement to Joinder in Opposition)	January 17, 2007	2456
Debtors (Brief in Opposition)	January 18, 2007	2490
<b><u>Reply Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
USACREG	September 27, 2006	1736
USACREG (Brief in Support)	January 25, 2007	2569

2. **Omnibus Objection Of The Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC, To Claims on Equity Misfiled As Creditor Claims** (Docket No. 1891). The Objection is based upon the grounds that the proof of claims described in the Objection are claims on equity interests of debtor USA Capital Diversified Trust Deed Fund, LLC ("Diversified Fund") that have been erroneously filed as creditor claims against Diversified Fund, and that Diversified Fund has no liability on account of such misfiled claims.

<b><u>Response Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
George J. and Miriam B. Gage; George J. Gage TTEE; George Gage Trust dated 10-8-99	December 19, 2006	2210

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1	Karen Petersen Tyndall Trust Dated	December 20, 2006	2213
2	3/9/94 and KPT Irrevocable Trust Dated		
3	7/16/99		
4	(Limited Reply)		
5	Manfred S. and Christine Spindel	December 20, 2006	2229
6	Bruce McGimsey	December 26, 2006	2267
7	Johnny Clark	December 26, 2006	2268
8	Jerry and Sharon McGimsey	December 26, 2006	2269
9	Margaret B. Gimsey Family Trust	December 26, 2006	2270
10	John Godfrey	December 28, 2006	2324
11	Robert J. Scott and Lois Mae Scott	December 28, 2006	2370
12	Douglas Carson	December 29, 2006	2327
13	Johnny Clark, Bruce McGimsey, Jerry	January 17, 2007	2454
14	McGimsey and Sharon McGimsey, and		
15	Margaret B. McGimsey as Trustee of the		
16	Margaret B. McGimsey Trust		
17	(Points and Authorities)		
18	<b><u>Reply Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
19	Official Committee of Equity Security	December 28, 2006	2318
20	Holders of USA Capital Diversified		
21	Trust Deed Fund, LLC		
22	(Response to Limited Reply)		
23	Official Committee of Equity Security	December 28, 2006	2319
24	Holders of USA Capital Diversified		
25	Trust Deed Fund, LLC		
26	Official Committee of Equity Security	January 17, 2007	2462
27	Holders of USA Capital Diversified		
28	Trust Deed Fund, LLC		
	(Supplement to Brief in Support)		
	Debtors	January 30, 2007	2616
	(Declaration in Support)		

3. **Objection To Claim 79, 80, and 81 of Pension Benefit Guaranty Corporation**

(Docket No. 2252). These Claims were withdrawn on January 24, 2007 (Docket No. 2560).

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
None.		

4. **Objection To Claim 83, 84, and 85 of Pension Benefit Guaranty Corporation**

(Docket No. 2255). These Claims were withdrawn on January 24, 2007 (Docket No. 2560).

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
None.		

5. **Application For Compensation** filed By Matthew Q. Callister (Docket No. 2197 / 2271 (amended)). This Application requests approval of an award of \$17,045.00 in compensation for services rendered and \$8.25 for expenses incurred during Callister & Reynolds' representation of PDG during the period of May 3, 2006 to June 29, 2006.

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Debtors	January 10, 2007	2389

6. **Second Omnibus Objection to Misfiled Claims** (Docket No. 2285). The Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC objects to the proofs of claim referenced in the Objection on the grounds that they have been erroneously filed against the USA Capital First Trust Deed Fund, LLC (the "FTDF") and that the FTDF has no liability of account of such claims.

<b><u>Response Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Debtors (Declaration in Support)	January 25, 2007	2565

7. **Objection To Claim 120 of Standard Property Development, LLC Filed By Shlomo Sherman on behalf of Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC** (Docket No. 2293). The Committee requests that the Court disallow Standard Property Development LLC's claim in its entirety.

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Standard Property Development	January 24, 2007	2547
<b><u>Reply Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC	January 29, 2007	2612

8. **Omnibus Objection of The Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC To Claims Superseded By Compromise Contained In Debtors' Third Amended Joint Chapter 11 Plan of Reorganization (As Modified)** (Docket No. 2295). A Stipulation Between Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC and Kantor Claimants Continuing Hearing to March 1, 2007 was entered on January 25, 2007 (Docket No. 2559).

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
None.		

9. **Motion of USA Investment Partners, LLC and Joseph D. Milanowski For The Endorsement of A Protective Order** (the "Motion for Protective Order," docket no. 1837). The Motion for Protective Order requests the Court's endorsement of a protective order governing access to certain documents. An Addendum to the Motion for Protective Order was filed on December 14, 2006 (Docket No. 2105).

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Debtors	December 6, 2006	1972
Official Committee of Unsecured Creditors of USA Commercial Mortgage (Joinder in Opposition)	December 12, 2006	2055

10. **Objection to Claim 819 of Spectrum Financial; Claim 821 of Rolland P. Weddell** (Docket No. 2067 2021). The Objection requests that the Court enter an order sustaining its Objection and disallowing Claim No. 819 filed by Spectrum Financial and Claim No. 821 filed by Rolland P. Weddell in their entirety because they are not enforceable against USA Commercial Mortgage Company.

<b><u>Response Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Spectrum Financial	January 10, 2007	2394
Rolland Weddell	January 10, 2007	2398
Spectrum Financial (Amended Response)	January 11, 2007	2404
Rolland Weddell (Amended Response)	January 11, 2007	2406

11. **Application Pursuant To Fed.R.Bankr.P. 2014(A) For Order Under Section 1103 of the Bankruptcy Code Authorizing The Employment and Retention of Diamond McCarthy Taylor Finley & Lee, LLP As Special Litigation Counsel to the Official Unsecured Creditor's Committee for USA Commercial Mortgage Company** (Docket No. 2483). The Application seeks authorizing to employ and retain Diamond McCarthy Taylor Finley & Lee, LLP as special litigation counsel to the USA Liquidating Trust Committee in this case as of January 12, 2007.

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
None.		

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12. **Motion for Order Authorizing (I) the Employment and Retention of Mesirow Financial Interim Management, LLC as Crisis Managers for the Debtors, and (II) the Designation of Thomas J. Allison of Mesirow Financial Interim Management, LLC as Chief Restructuring Officer for the Debtors and the Employment of Certain Temporary Employees; Application by Debtor and Debtor-In-Possession for Authorization to Retain and Employ Schwartz & McPherson Law Firm as Counsel Under General Retainer; Application to Employ Ray Quinney & Nebeker P.C. as Counsel for the Debtors** (Docket No. 2402). A Supplement to Continued Employment of Debtors' Professionals Pursuant To Interim Order was filed on January 25, 2007 (Docket No. 2567).

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
None		

13. **Motion For An Order Enforcing The Automatic Stay To Prevent Foreclosure By Western United Life Assurance Company** (Docket No. 2555). The Motion requests an order enforcing the automatic stay to prevent Western United Life Assurance Company ("WULA") from conducting a foreclosure sale that would foreclose the interests of USA Capital First Trust Deed Fund, LLC and USA Capital Diversified Trust Deed Fund, LLC.

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Western United Life Assurance	January 29, 2007	2607
<b><u>Joinders Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
Official Committee of Unsecured Creditors of USA Commercial Mortgage (Joinder in Motion)	January 26, 2007	2580
Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (Joinder in Motion)	January 29, 2007	2597

14. *In re Tree Moss Partners, LLC*, BK-S-06-13758 lbr. **Trustee's Motion to Establish Sale Date and Bidding Procedures for the Sale of the Palm Springs Marquis Villas** (Docket No. 37).

<b><u>Opposition Filed By:</u></b>	<b><u>Date</u></b>	<b><u>Docket No.</u></b>
None		

15. *In re USA Investors VI, LLC*, BK-S-06-13925 lbr. **Status Hearing Re: Involuntary Petition** (Docket No. 1).

16. *Binford Medical Developers, LLC vs. USA Commercial Mortgage Company, Fidelity National Title*, Adversary No.: 06-01212. **Scheduling Conference Re: Complaint** (Docket No. 1).

DATED: January 30, 2007

/s/ Jeanette E. McPherson

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